

**SUBJECT:** Information and conditions on certain bonds related to human trafficking

**COMMITTEE:** Criminal Jurisprudence — committee substitute recommended

**VOTE:** 9 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Murr, Vasut

0 nays

**WITNESSES:** For — Torey Tipton, Allies Against Slavery; Julie Renken, Washington County District Attorney's Office; (*Registered, but did not testify:* Jennifer Tharp, Comal County Criminal District Attorney; Frederick Frazier, Dallas Police Association/FOP716 State FOP; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, HPOU; Joseph Scaramucci, McLennan County Sheriffs Office; Jimmy Rodriguez, San Antonio Police Officers Association; Tom Maddox, Sheriffs Association of Texas; John Wilkerson, Texas Municipal Police Association; Luis LaRotta)

Against — (*Registered, but did not testify:* Scott Miller, Financial Casualty and Surety; Linda Nuno, Dem Party; Deana Johnston; Zoe Russell)

On — (*Registered, but did not testify:* Cara Pierce, Office of the Attorney General; Debbie Byrd, Mike Byrd, Rene Farias, Gage Gandy, Cindy Hammons, Ronnie Long, Glenn Meeker, Roger Moore, Charlie Pickens, Paul Schuder, and Kathleen Woods, PBT; Ken Good, The Professional Bondsmen of Texas; Robert Cortez; Melinda Roehrig; Ramona Salinas; Kimberly Tamez; Melissa Waldon)

**BACKGROUND:** Code of Criminal Procedure art. 17.08 establishes what must be contained in a bail bond, including that it be payable to the state, that the defendant will appear in court, whether the individual is charged with a felony or misdemeanor offense, and that it be signed by the defendant and sureties and that they each include their mailing address.

Code of Criminal Procedure art. 17.41 requires courts to set certain conditions on bonds for defendants charged with certain offenses committed against a child younger than 14 years old, including certain sex or assaultive offenses, prohibited sexual conduct, and sexual performance by a child. The court must order that the defendant not directly communicate with the alleged victim or go near a residence, school, or other specified location frequented by the alleged victim.

**DIGEST:**

CSHB 1005 would expand the information that must be included on bail bonds in human trafficking and other offenses, expand the circumstances and offenses under which required conditions must be placed on bonds in certain cases with child victims, and establish circumstances under which certain bond conditions must be imposed in human trafficking and other cases with adult victims.

**Information on certain bail bonds.** CSHB 1005 would require bail bonds to include specific information if the bonds were for defendants charged with human trafficking, continuous human trafficking, prostitution, promotion of prostitution, online promotion of prostitution, aggravated promotion of prostitution, aggravated online promotion of prostitution, or compelling prostitution. The bail bonds would have to include the address, identification number, and state of issuance as shown on a valid driver's license or identification card for the defendant and any surety, including any agent executing the bail bond on behalf of a corporation acting as surety.

These requirements would apply only to bail bonds executed on or after the bill's effective date.

**Bond conditions for certain offenses with child victims.** CSHB 1005 would expand requirements that specific conditions be placed on bonds in sex and assaultive cases with child victims so that the requirements applied to human trafficking offenses and all offenses under Penal Code 43, which covers public indecency.

The bill also would raise the age of the victim that triggers the required

conditions to be placed on the bonds. Courts would have to require the conditions restricting where a defendant can go and contact with the victim if a victim were younger than 18, rather than younger than 14.

These provisions would apply only to individuals arrested on or after the bill's effective date.

**Bond conditions for certain offenses with adult victims.** The bill would establish requirements that magistrates must place on bonds issued for the release of defendants charged with certain offenses if the victim was 18 years old or older.

The requirements would apply to offenses of human trafficking, continuous human trafficking, promotion of prostitution, online promotion of prostitution, aggravated promotion of prostitution, aggravated online promotion of prostitution, and compelling prostitution.

Magistrates would have to prohibit the defendant from:

- communicating directly or indirectly with the victim;
- going to or near the victim's residence, place of employment, or business; or
- if applicable, going near a school, day-care facility, or similar facility where a dependent child of the victim was in attendance.

At a hearing to determine whether the defendant violated a condition of bond imposed under the bill, a magistrate could revoke the bond only if they found by a preponderance of the evidence that the violation occurred. If the magistrate found that the violation occurred, the magistrate would have to revoke the defendant's bond and order the defendant be immediately returned to custody.

These provisions would apply only to individuals arrested on or after the bill's effective date.

The bill would take effect September 1, 2021.

SUPPORTERS  
SAY:

CSHB 1005 would provide additional tools in Texas' fight against human trafficking and expand protections for trafficking and other victims to ensure they were not harassed or contacted by those who have harmed them.

**Information on certain bail bonds.** Current requirements for information on bonds are minimal and do not provide a way to verify the information or clearly track the defendant, making them unreliable. While a bail bond agent would have the information required in the bill, individuals involved with human trafficking often use cash to bond out of jail so the information is not collected. CSHB 1005 would expand information requirements for bonds in trafficking and related cases so that perpetrators could be more easily tracked and better connections could be drawn among victims and perpetrators. This information also would help with investigations and prosecutions.

**Bond conditions for certain offenses with child victims.** The bill would better protect all young victims of trafficking, sex, and assaultive offenses from being harassed by perpetrators of these crimes. The bill would add human trafficking and all public indecency offenses to those that can trigger specific required bond conditions designed to protect victims because these are serious offenses on the same level with those currently requiring the safety conditions. The bill also would raise the age of alleged victims to 17 years old because all young victims of these crimes deserve the protections that come with required bond conditions that restrict where a defendant can go and with whom the defendant can communicate. This would be on par with other areas of the law that extend specific protections to those under 18 years old.

**Bond conditions for certain offenses with adult victims.** Requiring certain bond conditions for defendants in cases with adult victims of trafficking and related offenses would give the victims necessary protections. These conditions would help ensure all victims are free from harassing communication and contact with perpetrators and could help break the cycle of trafficking. It is important to have a statewide

requirement for these conditions and uniform handling of the cases when a defendant violates the bond to ensure all victims are protected.

CRITICS  
SAY:

Judges have latitude in imposing bond conditions so it is unnecessary to establish required conditions for all cases involving certain offenses and certain victims. Judges should operate with wide discretion when setting conditions.